

## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

By way of this Amendment, the subject matter recited in Claim 5 has been incorporated into independent Claim 1, and Claim 5 has been cancelled. Thus, the claims currently pending in this application are Claims 1-4 and 6-15. Claims 8-15 remain withdrawn from consideration as being directed to the non-elected species. Claims 1-4, 6 and 7 remain readable on the elected species.

The Title of the application has been amended to address the objections set forth in the middle of page two of the Official Action.

Also, Claim 1 has been amended to incorporate the helpful suggestion provided by Examiner Pantuck at the bottom page two of the Official Action. Accordingly, withdrawal of the objection to Claim 1 is respectfully requested.

As noted above, the subject matter recited in claim 5 has been incorporated into independent Claim 1. This amendment has been made for purposes of highlighting one of the differences associated with the stent at issue here relative to the stent disclosed in U.S. Patent No. 6,183,506 to *Penn et al.*

Claim 1 recites a stent formed to be tubular as a whole, having a first outer diameter capable of insertion into a tubular lumen of a living body and capable of expansion to have a second outer diameter larger than the first outer diameter when an expanding force directed in a radial outward direction is imparted within the stent. The stent comprises a plurality of annular expanding members arranged a predetermined distance apart from each other in an axial direction of the stent and each formed of a waved element. In addition, a plurality of waved connecting

members connect ridges and/or bottoms of the waved elements of adjacent annular expanding members. The plurality of annular expanding member are arranged in the axial direction of the stent such that no substantial phase difference exists in the waves of the waved elements. Each of the waved connecting members has a plurality of waves including a wave formed in the clearance between adjacent annular expanding members which possesses an amplitude larger than that of the other wave. The largest wave included in each of the waved connecting members has a wave height measured circumferentially of the stent, and the ridge or bottom of the waved elements possesses a width measured circumferentially of the stent, with the wave height of the largest wave included in each of the waved connecting members being larger than the width of the ridge or bottom of the waved element under the state that the stent possesses the first outer diameter.

It is understood from the comments in paragraph "8" on page four of the Official Action that the stent disclosed in *Penn et al.* is interpreted to disclose the relationship set forth in original Claim 5 because original Claim 5 did not specify the aspect of the largest wave member that is larger than the width of the ridge or bottom of the wave element. Claim 1 has been amended to recite that the wave height of the largest wave included in each of the waved connecting members is measured circumferentially of the stent as is the width of the ridge or bottom of the waved elements. With this clarification now set forth in independent Claim 1, it is clear that the stent disclosed in *Penn et al.* is not configured to include the features and relational characteristics recited in independent Claim 1.

It is thus respectfully submitted that the stent defined in independent Claim 1, as well as dependent Claims 2-4, 6 and 7, is patentably distinguishable over the

disclosure contained in *Penn et al.* Accordingly, withdrawal of the rejection of record and allowance of this application are earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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